



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

C. R. McCorkle, of Appalachia, and *E. M. Fulton*, of Wise, for plaintiff in error.

Bullitt & Chalkley and *R. T. Irvine*, all of Big Stone Gap, for defendant in error.

DENNY *v.* DENNY.

Nov. 11, 1915.

[86 S. E. 835.]

1. Divorce (§ 37*)—Grounds—Cruelty.—Cruelty on the part of a husband, resulting in the wife's enforced separation from his bed and board, and continued for three years prior to the decree, entitles the wife to a divorce as for desertion.

[Ed. Note.—For other cases, see Divorce, Cent. Dig. §§ 27, 107-134, 136-138; Dec. Dig. § 37.* 4 Va.-W. Va. Enc. Dig. 736.]

2. Divorce (§ 298*)—Custody of Children—General Rule.—Where the ages of the children, the financial condition of the parties, and the other facts and circumstances show no sufficient reason for departing from the general rule, the father, upon the granting of a divorce, is entitled to the custody of the children, subject to such provisions as the court may make as to allowing the wife access to the children at prescribed times and places.

[Ed. Note.—For other cases, see Divorce, Cent. Dig. §§ 781-787; Dec. Dig. § 298.* 4 Va.-W. Va. Enc. Dig. 752.]

Appeal from Circuit Court, Augusta County.

Suit for divorce by Imogen B. Denny against Victor L. Denny. From a decree dismissing the bill, complainant appeals. Reversed and remanded.

Jeffries & Jeffries and *O. L. Shackelford*, all of Norfolk, and *C. M. East*, of Staunton, for appellant.

Timberlake & Nelson, of Staunton, for appellee.

FRANKLIN PLANT FARM, Inc. *v.* NASH et al.

Nov. 11, 1915.

[86 S. E. 836.]

1. Landlord and Tenant (§ 76*)—Assignment of Lease—Consent by Landlord.—Under a lease forbidding subletting without the written consent of the lessors, the acts of the lessors in procuring their wives to sign the original lease so that the assignee would accept the assignment, in accepting rent from the assignee and receiving

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.